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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,090	03/06/2002	Hiroaki Furuyama	B422-182	8519

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EXAMINER

DUGGINS, ALICIA M

ART UNIT PAPER NUMBER

2616

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/092,090	<b>Applicant(s)</b> FURUYAMA, HIROAKI	
	<b>Examiner</b> Alicia M Duggins	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 calls for a "second recording medium" at line 21. Figure 1B shows only a single recording medium (tape T). The specification on p.4 merely repeats portions of claim 1 that recites a "second recording medium". It is unclear how one skilled in the art would be able to make and/or use the invention as defined in claim 1 absent any clear disclosure regarding the "second recording medium". It is noted that figs. 2-4 show recording at different areas of "recording medium" T. For the purpose of this office action, the "second recording medium" will be interpreted to mean different areas of a recording medium, such as tape.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Imai et al. (US6771882).

Regarding claim 1, Imai shows a recording apparatus (3) in fig. 16 comprising:

- Recording mode setting means are shown in fig.3 (col.2 ll.57-59) where the first recording mode has a first information quantity per unit time (SD mode) and a second recording mode with a second information quantity larger than the first per unit time (SDL mode), where in the SD mode, data of one frame is recorded on ten tracks as opposed to the SDL mode where two frames of data are recorded on ten tracks (col.2 ll.15-21).
- Recording means are shown in fig.22 as the recording section (24) for recording image data onto a medium (col.10 ll.64-67)
- Control means for controlling recording means shown as a control section (25) in fig.22 (col.10 ll.64-67) discusses recording still image data of the first recording mode and detection data for detecting still image data and recording image and detection data of the second recording mode (col.13 ll.31-43) where the recording of image data in relation to the arrangement of frames is discussed. The arrangement of frames in relation to the two modes and detection data is shown (col.9 l.35-col.10 l.26) where a DFF is added to image data to detect the mode for example in the second or SDL mode the DFF takes the value of 0 when the first frame is carrying

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information and a value of 1 when the rear frame is carrying information.

However, in SD mode the DFF always has the value of 1.

Regarding claim 2, Imai shows data recorded on the medium at predetermined times according to the modes where in the SD mode the predetermined time is 18.8 mm/s and in the SDL mode the time is half of the SD mode (col.3 ll.1-21)

Regarding claims 3 and 4, Imai shows the multiplexing of detection data on the image data in the first and second recording modes (col.10 ll.34-57) where the detection data (DFFs) is multiplexed with image data.

Regarding claim 5, Imai shows the recording of image data of one frame in 5 tracks in one mode (SDL mode) and 10 tracks in one frame in another mode (SD mode) (col.2 ll.15-20)

Regarding claim 6, Imai discusses the length of the first predetermined period being shorter than that of the second predetermined period where in the SD mode the predetermined time is 18.8 mm/s and in the SDL mode the time is half of the SD mode (col.3 ll.1-21)

Regarding claim 7, Imai discussed the first recording mode being the SD mode and the second mode being the SDL mode, which is a high compression mode (col.1 ll.38-51)

Regarding claim 9, Imai shows an SW signal in fig.6 as a switch, which sets the first and second recording modes (col.3 ll.1-35)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. (US6771882) in view of Watanabe (US6272280).

Although Imai discusses detection data, he does not discuss using a photo picture ID (PPID) as detection data as is discussed by Watanabe (col.4 ll.22-25). It would have been obvious to one of ordinary skill in the art to use photo picture id (PPID) as a means for detecting still image data (col.1 ll.20-25) to provide time efficient searching for an image.

***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703)305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD  
11/3/04

  
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